



April 1, 2005

ENGROSSED SENATE BILL No. 326

DIGEST OF SB 326 (Updated March 30, 2005 9:28 am - DI 109)

Citations Affected: IC 20-8.1; IC 20-10.1; IC 20-30; IC 20-34.

Synopsis: Information concerning meningococcal meningitis. Requires public and nonpublic schools to distribute materials concerning meningococcal meningitis and its vaccines. Requires the department of education to develop the material to be distributed. Provides for medication possessed by a school for administration to a student to be released to the student's parent or an individual who is at least 18 years of age or sent home with the student, if the student's parent provides written permission.

Effective: July 1, 2005.

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(HOUSE SPONSOR — FRIZZELL)

January 6, 2005, read first time and referred to Committee on Education and Career Development.

February 17, 2005, amended, reported favorably — Do Pass.

February 21, 2005, read second time, ordered engrossed.

February 22, 2005, engrossed.

February 24, 2005, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Education.

March 31, 2005, amended, reported — Do Pass.

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ES 326—LS 7458/DI 109+



April 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 326

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-7-22 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) This section
3 does not apply to medication possessed by a student for
4 self-administration under IC 20-8.1-5.1-7.5.

5 ~~(b)~~ Except as provided in subsection ~~(d)~~; a school corporation may
6 not send home with a student medication that is possessed by a school
7 for administration during school hours or at school functions.

8 ~~(c)~~ **(b)** Medication that is possessed by a school for administration
9 during school hours or at school functions for a student in grades
10 kindergarten through grade 8 may be released only to:

11 (1) the student's parent; or

12 (2) an individual who is:

13 (A) at least eighteen (18) years of age; and

14 (B) designated in writing by the student's parent to receive the
15 medication.

16 ~~(d)~~ **(c)** A school corporation may send home medication that is
17 possessed by a school for administration during school hours or at

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1 school functions with a student in grades 9 through 12 if the student's
 2 parent provides written permission for the student to receive the
 3 medication.

4 SECTION 2. IC 20-10.1-4-16 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2005]: **Sec. 16. (a) The chief administrative**
 7 **officer of each:**

8 (1) public school (including a charter school as defined in
 9 IC 20-5.5-1-4); and

10 (2) nonpublic school;

11 shall ensure that information concerning meningococcal disease
 12 and its vaccines is provided to students and parents or guardians
 13 of students at the beginning of each school year.

14 (b) The information provided under subsection (a) must include
 15 information concerning the:

16 (1) causes;

17 (2) symptoms; and

18 (3) spread;

19 of meningococcal disease and the places where parents and
 20 guardians of students may obtain additional information and
 21 vaccinations for their children.

22 (c) The chief administrative officers and the department shall,
 23 in consultation with the state department of health or any other
 24 appropriate entity, develop materials to be made available to
 25 schools to assist schools in providing the information described in
 26 this section.

27 (d) The department shall enforce this section.

28 SECTION 3. IC 20-30-5-18 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2005]: **Sec. 18. (a) The chief administrative officer of each:**

31 (1) public school (including a charter school as defined in
 32 IC 20-24-1-4); and

33 (2) nonpublic school;

34 shall ensure that information concerning meningococcal disease
 35 and its vaccines is provided to students and parents or guardians
 36 of students at the beginning of each school year.

37 (b) The information provided under subsection (a) must include
 38 information concerning the:

39 (1) causes;

40 (2) symptoms; and

41 (3) spread;

42 of meningococcal disease and the places where parents and

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guardians of students may obtain additional information and vaccinations for their children.

(c) The chief administrative officers and the department shall, in consultation with the state department of health or any other appropriate entity, develop materials to be made available to schools to assist schools in providing the information described in this section.

(d) The department shall enforce this section.

SECTION 4. IC 20-34-3-18, AS ADDED BY HEA 1288-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) This section does not apply to medication possessed by a student for self-administration under IC 20-33-8-13.

(b) Except as provided in subsection (d), a school corporation may not send home with a student medication that is possessed by a school for administration during school hours or at school functions.

(c) Medication that is possessed by a school for administration during school hours or at school functions for a student in kindergarten through grade 8 may be released only to:

(1) the student's parent; or

(2) an individual who is:

(A) at least eighteen (18) years of age; and

(B) designated in writing by the student's parent to receive the medication.

(d) (c) A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student in grades 9 through 12 if the student's parent provides written permission for the student to receive the medication.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 326, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "governing body of" and insert "**chief administrative officer of each:**

(1) public school (including a charter school as defined in IC 20-5.5-1-4); and

(2) nonpublic school;".

Page 1, line 4, delete "each school corporation".

Page 1, line 4, begin a new line blocked left beginning with "shall".

Page 1, line 5, delete "meningitis and influenza" and insert "**disease**".

Page 1, line 5, delete "their" and insert "**its**".

Page 1, line 7, delete "This information".

Page 1, line 7, before "must" begin a new paragraph and insert:

"(b) The information provided under subsection (a)".

Page 1, line 12, delete "meningitis and influenza" and insert "**disease**".

Page 1, line 15, delete "(b)" and insert "**(c)**".

Page 1, line 15, after "The" insert "**chief administrative officers and the**".

Page 1, line 17, delete "school corporations" and insert "**schools**".

Page 2, after line 1, begin a new paragraph and insert:

"(d) The department shall enforce this section."

and when so amended that said bill do pass.

(Reference is to SB 326 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 326, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-8.1-7-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) This section does not apply to medication possessed by a student for self-administration under IC 20-8.1-5.1-7.5.

~~(b) Except as provided in subsection (d), a school corporation may not send home with a student medication that is possessed by a school for administration during school hours or at school functions.~~

~~(c) (b)~~ Medication that is possessed by a school for administration during school hours or at school functions for a student ~~in grades kindergarten through grade 8~~ may be released ~~only~~ to:

- (1) the student's parent; or
- (2) an individual who is:
 - (A) at least eighteen (18) years of age; and
 - (B) designated in writing by the student's parent to receive the medication.

~~(d) (c)~~ A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student ~~in grades 9 through 12~~ if the student's parent provides written permission for the student to receive the medication."

Page 2, after line 7, begin a new paragraph and insert:

"SECTION 2. IC 20-30-5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. (a) The chief administrative officer of each:**

- (1) public school (including a charter school as defined in IC 20-24-1-4); and**
- (2) nonpublic school;**

shall ensure that information concerning meningococcal disease and its vaccines is provided to students and parents or guardians of students at the beginning of each school year.

(b) The information provided under subsection (a) must include information concerning the:

- (1) causes;**
- (2) symptoms; and**
- (3) spread;**

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of meningococcal disease and the places where parents and guardians of students may obtain additional information and vaccinations for their children.

(c) The chief administrative officers and the department shall, in consultation with the state department of health or any other appropriate entity, develop materials to be made available to schools to assist schools in providing the information described in this section.

(d) The department shall enforce this section.

SECTION 3. IC 20-34-3-18, AS ADDED BY HEA 1288-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) This section does not apply to medication possessed by a student for self-administration under IC 20-33-8-13.

(b) Except as provided in subsection (d), a school corporation may not send home with a student medication that is possessed by a school for administration during school hours or at school functions.

(c) (b) Medication that is possessed by a school for administration during school hours or at school functions for a student in kindergarten through grade 8 may be released only to:

- (1) the student's parent; or
- (2) an individual who is:
 - (A) at least eighteen (18) years of age; and
 - (B) designated in writing by the student's parent to receive the medication.

(d) (c) A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student in grades 9 through 12 if the student's parent provides written permission for the student to receive the medication."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 326 as printed February 18, 2005.)

BEHNING, Chair

Committee Vote: yeas 7, nays 0.

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